

**IN THE UNITED STATES DISTRICT COURT FOR THE
MIDDLE DISTRICT OF PENNSYLVANIA**

THE PENNSYLVANIA STATE
UNIVERSITY,

Plaintiff and
Counter-Claim Defendant,

v.

VINTAGE BRAND, LLC,

Defendant and
Counter-Claim Plaintiff,

and

SPORTSWEAR INC. d/b/a PREP
SPORTWEAR; and CHAD
HARTVIGSON,

Defendants.

Case No. 4:21-cv-01091-MWB
(Hon. Matthew W. Brann)

JURY TRIAL DEMANDED

DEFENDANTS' MOTION FOR JUDGMENT AS A MATTER OF LAW

For the reasons set forth in the accompanying Brief, Defendant/Counterclaim-Plaintiff Vintage Brand, LLC (“Vintage Brand”), Defendant Sportswear Inc. (“Sportswear”), and Defendant Chad Hartvigson hereby move for judgment as a matter of law as to the trademark infringement claims advanced by The Pennsylvania State University (the “University”), or, in the alternative, for judgment as a matter of law as to the University’s post-sale and initial-interest theories of confusion, and with respect to the University’s purported trademark rights in the Pozniak Lion design.

Dated: November 14, 2024

Respectfully submitted,

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CERTIFICATE OF SERVICE

I hereby certify that I electronically filed the foregoing document with the Clerk of the Court using the CM/ECF system on this 14th day of November 2024, which constitutes service on Plaintiff pursuant to Fed. R. Civ. P. 5(b)(2)(E):

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